



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

Frank D'Connell
Director

Suite 15300
1800 Century Boulevard
Atlanta, Georgia 30345
(404) 417-2100

NOTICE

(Notice ATD 2010-12)

**RE: Proposed Rules to the Department of Revenue, Alcoholic Beverages,
Chapter 560-2-12.**

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-2-12 of the Rules and Regulations of the State of Georgia by proposing:

- 560-2-12-.01, entitled "Definitions."
- 560-2-12-.02, entitled "License Application for the Sale of Alcoholic Beverages."
- 560-2-12-.03, entitled "Alcoholic Beverage License."
- 560-2-12-.04, entitled "Duties of Carrier."
- 560-2-12-.05, entitled "Driver's Duties."
- 560-2-12-.06, entitled "Contracting Customer."

Attached with this notice are exact copies and synopses of the proposed Rules. The proposed Rules are being adopted under the authority of O.C.G.A. §§ 3-1-5, 3-2-2, 3-2-23, 3-3-24.2 and 3-9-6.

The Department of Revenue shall consider the adoption of the above-referenced proposed Rules at 10:00 a.m., on Tuesday, March 30, 2010 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the above-referenced proposed Rules from interested persons no later than 10:00 a.m. on Tuesday, March 30, 2010.

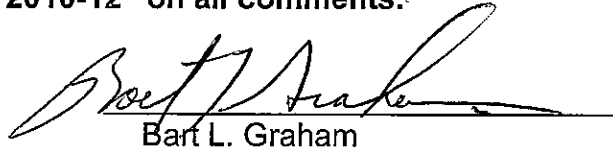
Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205.

Electronic comments must be sent to regcomments@dor.ga.gov.

Facsimile comments must be sent to (404) 417-6651.

Please reference "Notice Number ATD 2010-12" on all comments.

Dated: February 22, 2010

A handwritten signature in black ink, appearing to read "Bart L. Graham", written over a horizontal line.

Bart L. Graham
Commissioner
Department of Revenue

SYNOPSIS

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.01 Definitions – Limousine.

- This Rule provides definitions as used in these regulations concerning limousines.
- This is a new Rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.01 Definitions – Limousine.

(1) As used in these regulations:

(a) "Carrier" shall mean a limousine as defined in O.C.G.A. § 46-7-85.5 and:

1. Has been issued a certificate in accordance with Article 3 of Chapter 7 of Title 46;

2. Has its vehicles registered with the Department; and

3. Is authorized by the Department to sell Alcoholic Beverages.

(b) "Contracting Customer" shall mean the person who:

1. Is the contracting party retaining the services of the Carrier;

2. Is liable for payment of the services; and

3. Is a passenger in the Registered Vehicle for the duration of the contracted time period.

(c) "Limousine" shall mean a vehicle as defined in O.C.G.A. § 46-7-85.1(4).

(d) "Permitted Employee" shall mean a carrier's employees or agents or contractors who have been:

1. Retained by the Carrier to drive its Registered Vehicles;

2. Issued an approved chauffeur certificate in accordance with O.C.G.A. § 46-7-85.10; and

3. Listed with the Department as a driver of its Registered Vehicles by the Carrier.

(e) "Registered Vehicle" shall mean a limousine that:

1. Is owned or leased by a Carrier;
2. Has been registered by the Carrier with the Department to allow for the sale of Alcoholic Beverages; and
3. Has posted the Department's sticker and all other required signage in all registered vehicles.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6.

PROPOSED

SYNOPSIS

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

**560-2-12-.02 License Application for the Sale of
Alcoholic Beverages – Limousine.**

- This Rule provides the necessary guidelines, procedures, and requirements concerning a limousine carrier's application for a license that would permit the carrier to sell alcoholic beverages inside licensed vehicles.
- This is a new Rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

**560-2-12-.02 License Application for the Sale of
Alcoholic Beverages – Limousine.**

(1) An applicant for a Limousine Carrier Alcoholic Beverage License shall:

(a) Submit a completed application to the Department in the form and manner prescribed by the Department.

1. The application must include:

(i) A list of Carrier's vehicles that will be selling Alcoholic Beverages including:

(I) Year, make and model;

(II) Vehicle Identification Number (VIN); and

(III) License plate number.

(ii) A list of all drivers, agents or contractors who may drive a Registered Vehicle, including:

(I) Name and residential address;

(II) Date of birth; and

(III) Georgia Driver's License Number.

(iii) Copy of the driver's Chauffeur's Permit issued pursuant to O.C.G.A. § 46-7-85.9;

(iv) Copy of the certificate issued pursuant to Article 3 of Chapter 7 of Title 46;

(v) A license fee of \$50.00 with application; and

(vi) A registration fee of \$15.00 for each vehicle operated by the Carrier that will sell Alcoholic Beverages.

Authority: O.C.G.A. §§ 3-2-2 and 3-9-6.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-12 LIMOUSINE

560-2-12-.03 Alcoholic Beverage License – Limousine.

- This Rule provides the necessary guidelines, procedures, and requirements concerning a limousine carrier's license to permit the carrier to sell alcoholic beverages inside licensed vehicles.
- This is a new Rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

**560-2-12-.03 Alcoholic Beverage License –
Limousine.**

(1) Upon the Department's approval of a Carrier's application, the Department shall issue a nontransferable license for a term of one calendar (1) year with an expiration date of December 31, to the Carrier and the appropriate Department sticker for each Registered Vehicle.

(a) Application and renewal for the license shall be made prior to November 1 for the succeeding calendar year.

(2) A Registered Vehicle shall be subject to inspection by the Commissioner or the Commissioner's agents for the purpose of inspecting the Premises and enforcing applicable laws and regulations.

(3) A Carrier shall:

(a) Comply with all applicable local laws, state laws and regulations concerning the sale of Alcoholic Beverages by a Retail Consumption Dealer;

(b) Post the signs required by O.C.G.A. §§ 3-1-5 and 3-3-24-.2 in each Registered Vehicle of the Carrier so that the signs are readily visible to all occupants of the Registered Vehicle;

(c) Maintain a current Public Service Commission certificate as required by the Code; and

(d) Register all vehicles in which Alcoholic Beverages will be sold and affix the required Department sticker.

1. The sticker shall be affixed in the bottom left portion of the rear windshield so as to be visible from the outside.

2. The sticker issued to the Carrier shall not be transferable to another vehicle or owner.

(4) Annually a Carrier shall:

(a) Submit a renewal application and remit a license fee of \$50.00; and

(b) Remit a renewal registration fee of \$15.00 for each vehicle operated by the Carrier that will sell Alcoholic Beverages.

(5) A Carrier is authorized to obtain and purchase Alcoholic Beverages only from a Georgia licensed retail Alcoholic Beverage dealer.

(6) Failure to meet all requirements of this Regulation may result in suspension or revocation of the Carrier's Alcoholic Beverage license.

Authority: O.C.G.A. §§ 3-1-5, 3-2-2, 3-2-32, 3-3-24.2, 3-9-6.

SYNOPSIS

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.04 Duties of Carrier – Limousine.

- This Rule provides the necessary guidance and procedures to limousine carrier alcohol licensees concerning the sale and consumption of alcoholic beverages in a licensed vehicle.
- This Rule states that failure to comply with this Regulation may result in revocation of the carrier's license.
- This is a new Rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.04 Duties of Carrier – Limousine.

- (1) All Carriers selling Alcoholic Beverages shall:
 - (a) Notify the Department within fifteen (15) calendar days of employment of new employees who may operate a Registered Vehicle, or existing employees who may be selected to operate a Registered Vehicle.; and
 - (b) Store all stocked Alcoholic Beverages in an enclosed, locked, tamper proof container permanently attached to the inside of the Registered Vehicle.
 - 1. The container shall be in a fixed location not accessible to the operator of the Registered Vehicle.
- (2) All distilled spirits stocked by the Carrier shall:
 - (a) Be in unbroken Packages; and
 - (b) Be sold in fifty (50) Milliliter bottles only.
- (3) All Carriers shall maintain a copy of:
 - (a) The Carrier's license to sell Alcoholic Beverages in each Registered Vehicle; and
 - (b) Each driver's Chauffeur's Permit issued pursuant to O.C.G.A. § 46-7-85.9.
- (5) A copy of the signed and dated contract for limousine service between the Contracting Passenger and the Carrier shall be kept with the alcohol receipts of sales to that Passenger.
- (6) A Licensee shall maintain, for three (3) years from the date of purchase of the Alcoholic Beverage, separate records relating to the purchase and sale of Alcoholic

Beverage for the Carrier's Registered Vehicles as specified in O.C.G.A. § 3-3-6 and these Regulations.

(7) Upon the first violation of these Regulations, a Carrier shall be subject to revocation of registration of the vehicle involved in the violation for one (1) year and the offending driver shall be removed from the listing of Permitted Employees.

(8) A subsequent violation within three (3) years of any prior violation of these Regulations, by a Carrier for the sale of Alcoholic Beverages from an unregistered vehicle, or the sale of Alcoholic Beverage by a non-permitted employee of the Carrier, shall result in revocation or suspension of the Carrier's license to sell Alcoholic Beverages in any of the Carrier's vehicles for a minimum of one (1) year.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6.

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**RULES
OF
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.05 Driver's Duties – Limousine.

- This Rule provides the necessary guidance and procedures to operators of a limousine carrier alcohol licensees registered vehicle concerning the sale and consumption of alcoholic beverages.
- This is a new Rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.05 Driver's Duties – Limousine.

(1) An employee not permitted with the Department shall not operate any Registered Vehicle when Alcoholic Beverages are stocked in the vehicle by the Carrier.

(2) The permitted employee of the Registered Vehicle shall:

(a) Not serve any Alcoholic Beverage to any passenger;

(b) Verify before any passengers are allowed to enter the vehicle, that the Contracting Customer is of legal drinking age and will be a passenger in the vehicle during the entire contract period;

(c) Upon verification of the Contracting Customer's legal drinking age, provide the Contracting Customer with access to the secure container where the Alcoholic Beverage is stored;

(d) Be responsible for ensuring that all partially consumed Alcoholic Beverages left in the Registered Vehicle are delivered to the Carrier's main facility for disposal;

(e) Maintain a copy of the driver's Chauffeur's Permit issued pursuant to § 46-7-85.9 and

(f) Maintain copy of the certificate issued to Carrier pursuant to Article 3 of Chapter 7 of Title 46.

(3) No passenger shall be permitted to remove any stocked or partially consumed Alcoholic Beverage from the Registered Vehicle.

(4) When Alcoholic Beverages have been ordered by any passenger(s) the sale shall be evidenced by a signed receipt indicating:

- (a) Which passenger(s) ordered Alcoholic Beverages;
- (b) Identity of the Alcoholic Beverage sold; and
- (c) Quantity of the Alcoholic Beverage that was sold.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6.

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**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.06 Contracting Customer – Limousine.

- This Rule provides the necessary guidance and procedures concerning who may assume the role of 'contracting customer' for the purposes of regulations specifically designated for limousine carriers.
- This is a new Rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-12
LIMOUSINE**

560-2-12-.06 Contracting Customer – Limousine.

(1) If the Contracting Customer is a legal entity other than a natural person, then any natural person who is an authorized agent of the legal entity may assume the role of Contracting Customer upon presentation of documentation establishing such person as an authorized agent.

(2) A Contracting Customer who is a natural person may, prior to the use of the Registered Vehicle, designate another natural person of legal age for purchasing of Alcoholic Beverages to be the Contracting Customer, provided both parties notify the Carrier in writing about their agreement.

(a) Upon presentation of the written agreement to the Carrier, the designated natural person shall assume all responsibility of the Contracting Customer for the purchase of Alcoholic Beverages.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6.